

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

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LORETTA G. WHYTE
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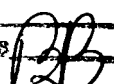
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

-----X
 : MDL NO. 1355
 IN RE: PROPULSID PRODUCTS :
 : LIABILITY LITIGATION : SECTION: L
 : : JUDGE FALLON
 : : MAGISTRATE JUDGE AFRICK
 -----X

JOINDER IN OPPOSITION TO MOTION FOR INJUNCTION

This joinder is respectfully submitted in opposition to defendants' motion for injunctive relief on behalf of the New York state court litigants represented by our firm. In this regard, we vigorously concur with and join in the Plaintiffs' Steering Committee's (hereinafter "PSC") well-articulated and well-reasoned view that the relief the defendants seek in their Motion for Injunction is unprecedented, having no support in either Constitutional or Congressional authority. Indeed, as the PSC's memorandum elucidates, there is ample law on this issue, all to the contrary. There is no doubt but that the usurpation of control over all state court pretrial proceedings which the issuance of these injunctions would accomplish is precisely the type of action prohibited by the Anti-Injunction Act. Moreover, the All Writs Act and the United States Constitution, the controlling authorities as to federal court intervention in parallel state court proceedings, highlight the impropriety of the relief which the defendants seek.

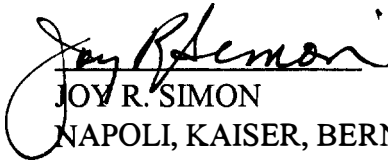
Rather than burden the Court with a reiteration of the cogent arguments proffered in the PSC's memorandum in opposition, we instead join in, adopt and incorporate them by reference herein.

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CONCLUSION

For the foregoing reasons as well as all of those contained in the PSC's Memorandum in Opposition to Motion for Injunction, defendants' Motion should in all respects be denied.

Dated: New York, New York
November 1, 2001



JOY R. SIMON
NAPOLI, KAISER, BERN &
ASSOCIATES, LLP
114 Old Country Road, Suite 124A
Mineola, NY 11501
Phone: (516) 873-8918
Fax: (516) 626-3168

-and-

115 Broadway
New York, NY 10006
Phone: (212) 267-3700
Fax: (212) 267-0172

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Memorandum in Opposition to Motion for Injunction has been served on James B. Irwin, Defendants' Liaison Counsel and Russ M. Herman, Plaintiffs' Liaison Counsel by U.S. Mail and e-mail and upon all parties electronically by uploading the same to Verilaw in accordance with Pretrial Order No. 4, on this 2nd day of November, 2001.



JOY R. SIMON

**SEE RECORD FOR
EXHIBITS
OR
ATTACHMENTS
NOT SCANNED**